

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN FRANCIS
TDCJ No. 2253451

v.

DIRECTOR, TDCJ-CID

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CIVIL ACTION NO. 3:20-CV-711-S-BT


**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. *See* ECF No. 46. Petitioner filed a notice to the Court the same day, which the Court construes as objections to the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. *See* ECF No. 47. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objections were made, and reviewed the remaining portions of the findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Accordingly, the Court construes Petitioner's construed motion for post-judgement relief under Rule 60(b) [ECF No. 45] as a successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 and **TRANSFERS** it to the United States Court of Appeals for the Fifth Circuit for appropriate action. To the extent that Petitioner's motion challenges the conditions of his confinement, these claims are **DISMISSED WITHOUT PREJUDICE** to Petitioner filing a separate civil action under 42 U.S.C. § 1983.

SO ORDERED.

SIGNED March 9, 2022.


UNITED STATES DISTRICT JUDGE